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EARTH UNDER THE NAILS: THE EXTRAORDINARY RETURN TO THE LAND

Sue Farran



"Chickens in the Shade, Surrey Docks Farm", oil on board, 23 x 30 inches

Picture: Emma McClure, City Farms and Still
Lives, Cagogan Contemporary, 2005,
London

Some Background

- In the UK 69% of the total land area is owned by 0.3% of the population
- 89% of people have an average 0.07 acres living space each
- 56,059,103.66 people in the UK are living in urban areas
- The rural population represents only 10% of the total population
- Around 68% of housing is owner-occupied

The 21st Century context

- Environmental awareness
- Food fanaticism
- Life-style choices
- Leisure
- Legal shifts
- Blurry boundaries

"Feeding Pools in the Garden, 2005, oil on board, 15 x 16 inches

A changing landscape/legalscape?

- Why are people going back to the land?
- How are they getting earth under their nails?
- What legal forms and institutions are they using?
- What property interests are at stake?
- Is a changing landscape evidence of a new legalscape?



Picture: R.P Lister 'Allotments'
Silent Books, Cambridge, 1991



FORMS OF ENGAGEMENT

- Village and Town Greens
- Allotments
- Community Gardens/Orchards/Farms/Woodlands
- City and School Farms and Gardens
- Farm Shares
- Guerrilla Gardening

A snapshot

- 59 registered city farms
- 300 registered community orchards
- 330,000 allotments and 100,000 on waiting lists
- 82 school farms
- 1,000 community gardens
- In 2009 185 applications were made for new town or village greens
- In the backgreens of Edinburgh there are 16 community gardens

BACKGREENS IN EDINBURGH



Why?

- Individual and collective empowerment
- Fostering community spirit
- Well-being
- Responsibility/civic pride
- Education/loss of skills and knowledge
- Antipathy to neglect/waste/ugliness
- Achievement

"Nesting Boxes, Freightliners Farm, Islington", oil on canvas, 36 x 36 inches

How? The Legal Environment

- Specific legislation: e.g. allotments, village and town greens and commons
- Incorporated and unincorporated charities, charitable incorporated organisations
- Companies limited by guarantee, community interest companies
- Partnerships
- Trusts
- Industrial and Provident Societies and Co-operatives
- Unincorporated Associations
- Leases, licences, squatting and trespass
- Gifts, grants, purchase and community asset transfers

And the property rights?



**TENUOUS/UNCERTAIN/NON-EXISTENT
TEMPORARY
OR
SECURE/LONG-TERM/PROTECTED
OR
AT THE MARGINS OF PRESENT
PROPERTY LAW

PUBLIC OR PRIVATE?**

The dawn of a new legalscape?

- Is there a shift from property as commodity to property as place? From land rights to land obligations?
- Is the dephysicalisation of land being challenged by getting earth under the nails?
- Is a new legalscape being developed through new relationships with the land and new uses of laws?
- Are the boundaries between private land interests and public interests in land blurring?

Is it time to take stock and rethink the modern law of property?



Picture: R.P Lister 'Allotments'. Silent Books, Cambridge, 1991